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May 16, 2013

VIA ECF

Honorable Magistrate Judge E. Thomas Boyle
United States District Court
Eastern District of New York
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Konrad v. Epley, et al.
Docket No. 12 CV 4021

Honorable Magistrate Judge Boyle:

We are the attorneys for the defendants, Epley, Robinson and Robinson, in the referenced matter (the “Village defendants”), and submit this letter in opposition to what appears to be the plaintiff’s application, filed twice on the docket as documents 84 and 85, for a stop work order with respect to demolition allegedly ongoing within the Village of Southampton. It is respectfully submitted to the Court that plaintiff’s application to this Court seeking such relief is clearly misplaced and seeks relief that the Court does not have jurisdiction to provide. Moreover, the request is clearly frivolous and sanctionable, particularly in light of the fact that the plaintiff failed to raise the issue to the Court at the conference on May 8, 2013. As the Court can readily ascertain, these letter applications were filed on May 10, 2013.

In her letter, the attorney plaintiff suggests that her application is in some way related to the currently pending legal action before this Court; however, she offers no explanation of a connection, noting only that information about certain properties in the Village “will all be part of that section of my papers dealing with ‘comparable illegal actions’ to add credibility to my

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examples from our Rosko Place subdivision”. This proposition is nonsensical and fails to provide support for this Court’s exercise of jurisdiction over matter that would solely be within the jurisdiction of the local authorities.

On the basis of purely speculative and hearsay e-mails from an individual who is not a party to this suit, plaintiff makes the claim that contractors are ignoring stop work orders. Even if the plaintiff could somehow authenticate this to be true, it would be utterly irrelevant to the currently filed complaint.

It is respectfully submitted that this is yet another of the plaintiff’s many attempts at obfuscating the issues that are actually before the Court and cluttering the docket based upon the likelihood of dismissal of the underlying action. Moreover, the plaintiff attorney offers no explanation as to why she sat silently during the conference, particularly when the Court specifically inquired of the parties whether there was anything left to discuss while we were all before the Court, and the plaintiff answered in the negative. Perhaps the attorney plaintiff was well aware that the Court lacked jurisdiction and was concerned about the likely admonishment that would have come from the bench over her raising an unrelated matter over which the Court did not have jurisdiction. In any event, it is respectfully submitted that the Court should impose a reasonable sanction upon the attorney plaintiff so the defendants can avoid having to respond to the repeated applications and correspondence to the Court from the plaintiff which have no bearing on the pending motions, nor on the underlying case.

The Court’s consideration of this matter is greatly appreciated.

Respectfully submitted,

DEVITT SPELLMAN BARRETT, LLP

/S/

DHA:eo’r
cc (Via ECF):
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